



TOWN OF FOXBOROUGH
40 SOUTH STREET
FOXBOROUGH, MASSACHUSETTS 02035
bcutler@town.foxborough.ma.us

Robert E. Cutler, Jr., CMC/CMMC
Town Clerk

508-543-1208
FAX 508-543-6278

November 18, 2014

To Whom It May Concern:

This is to certify that the Special Town Meeting of the Town of Foxborough was held November 17, 2014 at the Foxborough High School, 120 South Street, Foxborough, Massachusetts. The meeting was called to order at 7:30 PM with two hundred thirty six (236) registered voters recorded as present [a quorum being one hundred (100) registered voters]. The following action took place.

ARTICLE 4: MOVED, that the Town vote to amend the Foxborough General By-Laws by deleting in its entirety Section 15(B) Sign and replacing with the following:

Section 15(B) Signs

I. Purpose

This sign bylaw ("bylaw") is adopted pursuant to the authority conferred by General Laws Chapter 93, Section 29 and the Town of Foxborough's Home Rule authority. The purpose of this bylaw is to protect the public, health, safety and welfare by establishing reasonable and objective regulations for all signs and other advertising devices within the Town of Foxborough on public ways or on private property partially or entirely within public view of a public way or public park and to create a regular and impartial process by which signs will be reviewed and permitted. This bylaw is intended to regulate, restrict, or place limitations on signage to assure that all signs will be appropriate to the neighborhoods and districts, land, buildings, or uses to which they are appurtenant; stabilize and reinforce property values to protect public and private investment; serve the public's need to be given helpful directions and to be informed of available products, businesses, and services; protect against traffic and safety hazards and nuisances to abutters; avoid visual clutter; and preserve and enhance the natural, historic, and architectural aesthetics of the Town of Foxborough.

II. Definitions

Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular. For any terms not defined herein, the definition as found in Webster's Unabridged Dictionary, most recent edition, or as found in the State Building Code of Massachusetts shall be used.

ABANDONED SIGN -- A sign that for a period of ninety (90) days is vacant, unoccupied, or not used, a sign whose message does not have current applicability to either events or uses (except for any such sign that is located on a lot that is part of a Large Development), or a sign that is damaged and in disrepair. No sign shall be deemed to be an abandoned sign unless the owner of such sign has received written notice from the Building Commissioner of such abandonment and has failed to cure such abandonment by use or repair, as the case may be, within ninety (90) days of the date of such notice.

ADVERTISING SIGN -- A sign that contains subsidiary messages describing products or services being offered to the public on site.

ANIMATED SIGN -- A sign that depicts action or motion through electrical or mechanical means. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic display.

AREA OF SIGN -- The entire area within the outside perimeter of the sign, including the sign's frame or structure if any, but exclusive of sign supports.

AWNING SIGN -- A sign with its copy on an overhead shelter protruding from the face of a wall made of any material that is supported by or stretched over a frame and attached to an exterior wall of a building or other structure.

BANNER SIGN -- A permanent sign composed of lightweight fabric, cloth, paper, or plastic material that is affixed to a wall, pole, or other structure.

BILLBOARD -- Any outdoor General Advertising Sign, whether double-faced, back-to-back, or V-shaped, that is six-hundred (600) square feet or larger and serves as a structure or device to advertise, direct or call attention to any business, article, substance, or service, or anything that is painted, printed, pasted or affixed to any building, structure, wall, fence, pole, railing, natural object or structure of any kind on real property or upon the ground itself, and that advertises services, products or commodities that may or may not be available on the premises on which the "Billboard" is located.

BOARD OF APPEALS -- The Board of Appeals of the Town of Foxborough, as established and organized in accordance with Article II, Section 4, of the Town of Foxborough General By-Laws.

BUILDING COMMISSIONER -- The duly-appointed Building Commissioner of the Town of Foxborough.

CHANGEABLE COPY (AUTOMATIC) -- Text or messages that are changed electronically.

CHANGEABLE COPY (MANUAL) -- Sign content that is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.

COMBINATION SIGN -- A sign that combines the characteristics of two (2) or more types of signs defined in this bylaw. A Combination Sign shall be considered one (1) sign when determining compliance with the dimensional requirements set forth in this bylaw.

COMMERCIAL USE -- Any business whose primary purpose is retail or wholesale trade, any nonprofessional customer service (including, but not limited to, shoe repair, tailoring, laundry, health club or other for-profit recreational facility or stadium, photography, or hairstyling), or customer service office uses (including, but not limited to, banking establishments, insurance agents, travel agents, or tax return preparers as well as restaurants, bars, hotels, motels, and theaters).

CONSTRUCTION SIGN -- A temporary sign erected on the premises on which construction is taking place during the period of such construction that indicates the names of the persons or firms engaged in such project.

CUSTOMARY MAINTENANCE -- Maintenance of a sign that includes, but is not limited to, repairs of electrical or mechanical components of a sign, painting, cleaning, changing the message, relettering, refacing, and any safety improvements approved by the Building Commissioner.

DIRECTIONAL SIGN -- Any sign commonly associated with and limited to information and directions necessary and convenient for persons coming on the property, including signs marking entrances, parking areas, one-way drives, rest rooms, pickup and delivery areas and the like.

DIRECTORY SIGN -- Any sign containing a list of the names of business establishments located within a building or building complex.

ELECTRONIC SIGN -- A window, wall, or other sign that electronically displays graphics or messages through a marquee, reader board, message center, or other display area or a sign that changes its message or copy at intervals by programmable, digital or mechanical processes or by remote control.

ERECT -- To build, construct, alter, install, relocate, suspend, and attach any sign, or the painting of new exterior wall signs, but excluding customary maintenance.

FARM STAND -- A facility from which agricultural or nursery products produced on the premises where the facility is located are offered for retail sale.

FLASHING SIGN -- Any sign that has intermittent or changing lighting, including changes in color of the lighting, or illumination with a duration of less than ten (10) seconds.

FREESTANDING SIGN -- Any sign, exclusive of banner signs that are not affixed to a building. A free-standing sign for the purposes of this bylaw shall not mean a billboard, marquee sign or monument sign unless otherwise specifically provided.

FRONTAGE -- The total length of the property line of a parcel bounded by or abutting a public vehicular right-of-way.

GENERAL ADVERTISING SIGN -- A sign or display that advertises goods, activities, or services generally not produced or available on a daily basis at the location of the sign.

GOVERNMENTAL SIGN -- A sign erected and maintained pursuant to and in discharge of any governmental function or as required by any statute, regulation or Town of Foxborough bylaw.

GROUND LEVEL -- The average ground elevation within ten (10) feet measured horizontally of the sign base. Berms or other unnatural mechanisms to alter ground elevation to gain additional sign heights may not be considered as ground level.

HEIGHT -- The vertical distance between the ground level under a sign and the highest point of the sign structure.

HOME OCCUPATION SIGN -- Any sign that identifies an accessory use on a property where in which the principal use is residential.

IDENTIFICATION SIGN -- A sign that is limited to the name, address and number of a building, institution, complex or person and other information required by law.

ILLEGAL SIGN -- Any sign for which a valid sign permit has not been obtained and that is not exempt from the provisions of this bylaw.

ILLUMINATED SIGN -- Any sign that emanates light either by means of exposed tubing or lamps on its surface or by means of illumination transmitted through the sign surface, or that reflects lights from a source intentionally directed upon such sign.

INSTITUTIONAL USE -- A nonprofit educational, museum, public, or religious use (for example, church, public or private library, or school), or a government-owned or operated land use or structure used for a public purpose.

INTEGRATED SIGN PERMIT -- A comprehensive permit inclusive of multiple signs within a Large Development, including those that require a *Special Sign Permit*.

LARGE DEVELOPMENT -- Any lot or lots that collectively contain at least 150,000 aggregate square feet of gross floor area that are within one or more structures on one or more contiguous lots, and any lot or lots that are contiguous thereto and that are held in common or affiliated ownership or control. Such developments may include unimproved lots and lots separated by a public way. For the purposes of this definition, "control" can be established by lease, easement, contract, or other enforceable interest in the underlying lot.

LOT -- Any parcel of real property.

LOT LINE -- Front, side, and rear property lines.

MARQUEE SIGN -- A sign structure that is commonly placed at a building or development entrance, or that is placed at a prominent location within a development, that displays the name, address, street number, tenants, or like information, at such site, and that may include a message board to advertise events or services available at such site or location.

MESSAGE BOARD -- A part or segment of a sign that may display automatic or manually changeable copy for a period of ten (10) seconds or longer.

MONUMENT SIGN -- A sign where the entire bottom of the sign is affixed to the ground.

MOVING SIGN -- Any sign or part thereof that physically moves, rotates, revolves, or that gives the appearance of any type of motion, excluding animated signs or message boards.

NONCONFORMING SIGN -- Any sign that was lawfully in existence, erected and maintained one (1) day prior to the date that this bylaw or any amendments thereto took effect but does not comply with the provisions of this bylaw or any such amendments.

OFF-PREMISES SIGN -- Any sign that advertises or calls attention to any business or activity that is not located on the same continuous parcel of real estate on which the sign is located.

OWNER -- A person recorded as such on official records, and including but not limited to a duly authorized agent, purchaser, devisee or any person having a vested or contingent interest in the property in question.

PERMANENT SIGN -- A sign for which a permit has been issued pursuant to the provisions of this bylaw for the period stated in the permit.

POLITICAL SIGN -- A temporary sign or banner advertising a political candidate, party, or cause during an election cycle.

PORTABLE SIGN -- A temporary sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

PRE-EXISTING SIGN -- Any sign that was lawfully in existence, erected and maintained one (1) day prior to the date that this bylaw or any amendments thereto took effect and that complies with the provisions of this bylaw and any such amendments.

PRIMARY SIGN -- The principal sign that is used to identify the name of a business, institution, or building complex. Primary signs may be freestanding, marquee, monument, or other types as appropriate.

PROJECTING SIGN -- A sign that is supported by an exterior wall of a building or other structure and that is constructed and displayed to project outwardly from the face of the building or other structure so that both faces of the sign are visible.

PUBLIC PARK -- Any park, conservation area, reservation, cemetery, or playground parcel which is publicly owned and available for public use.

PUBLIC SERVICE INFORMATION SIGN -- Any sign that is publicly or privately owned and that is intended primarily to promote such items of general interest to the community as time, temperature and date, atmospheric conditions, public events, news or traffic control, etc.

PUBLIC WAY -- A publicly owned roadway as defined by the laws of the Commonwealth of Massachusetts.

REAL ESTATE SIGN -- A temporary sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located, excluding, however, "sold-by" signs.

RESIDENTIAL USE -- Any lot containing a single-family or two-family dwelling unit. Lots containing multi-family dwellings units with three (3) units or more shall be considered a commercial use.

ROOF SIGN -- Any sign erected upon, against or directly above a roof or on a top of or above the parapet of a building.

SETBACK -- The linear distance as measured from the closest lot line to the outermost edge of a sign.

SIGN -- Any identification, description, illustration or device illuminated or non-illuminated that is visible from any public way or is located on private property and within the public view of a public way or public park and that directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise, or any logo, device, object, drawing, poster, display, painting, banner, billboard, pennant, placard or temporary sign that is designated to advertise, identify or convey information, with the exception of window displays and national flags. Signs shall also include all sign structures.

SIGN STRUCTURE -- Any structure that primarily supports the vertical load of a sign.

SPECIAL SIGN PERMIT -- The permit that is required under this bylaw for those signs that require approval by the Board of Appeals.

STADIUM -- The facility known as Gillette Stadium on the date on which this bylaw was enacted.

TEMPORARY OUTDOOR DISPLAY -- The temporary arrangement of merchandise customarily sold on the premises outdoors for the specific purpose of advertising. Outdoor displays can include, but are not limited to, the following: motorized vehicles, lawn and garden equipment, large recreational equipment, and outdoor furniture.

TEMPORARY SIGN -- A sign displayed for no more than forty-five (45) days in a calendar year, unless otherwise regulated, and that is to be removed after the temporary purpose has been served, including, but not limited to, for sale, lease or rental signs, political signs, certain window signs, service signs, portable signs, special-event signs, construction signs, directional signs to special or temporary events, and signs of a similar nature.

WALL SIGN -- A sign or graphic image fastened to, painted on, or applied in any other manner on or to the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign, and which does not project horizontally more than twelve (12) inches from such building or structure.

WINDOW SIGN -- A permanent or temporary sign that is applied or attached to the interior of a window or is located within three (3) feet of the interior of the window and that can be seen from the exterior of the structure.

III. Administration and Enforcement

A. *Applicability*

1. This bylaw applies to exterior signs that legally exist one (1) day prior to the date that this bylaw or an amendment to this bylaw takes effect and to exterior signs that come into existence thereafter, and that are visible from a *public way* or *public park*, unless otherwise exempted herein. No sign that is subject to this bylaw shall be *erected* without a permit issued by the *Building Commissioner*, except otherwise as provided herein.

B. *Application Procedures*

1. An applicant seeking to *erect*, alter, or relocate a sign shall submit to the *Building Commissioner* a completed sign permit application, the required application fee, and all supporting materials as required by the *Building Commissioner*. The application materials shall specify the building and the dimensions, colors, attachment methods, method of illumination, and location of each sign that is the subject of an application, and any other pertinent information that the *Building Commissioner* may require. A pre-application conference with the *Building Commissioner* is strongly recommended to ensure complete application submissions.

2. The Building Commissioner may adopt and from time to time amend rules relative to the issuance of sign permits and shall file a copy of said rules in the office of the Town Clerk. Such rules may without limitation define materials that must be submitted by an applicant to constitute a complete sign permit application and, prescribe the size, form, contents, style and number of copies of plans and specifications and the procedure for submission and approval of sign permit applications. Failure by the Building Commissioner to adopt rules relative to the issuance of sign permits shall not act to suspend or invalidate the effect of this bylaw.

3. A permit application shall be acted upon within thirty (30) days of receipt of a complete permit application by the *Building Commissioner*. A permit application may be approved, denied, or be referred to the *Board of Appeals* by the *Building Commissioner*. Permit applications shall be referred by the *Building Commissioner* to the *Board of Appeals* if a *Special Sign Permit* is required under this bylaw or if an *Integrated Sign Permit* is requested in accordance with this bylaw.

4. A permit shall be issued by the *Building Commissioner* only if the sign conforms to this bylaw and other applicable statutes and regulations, including, without limitation, the bylaws of the Town of Foxborough, the Commonwealth of Massachusetts Building Code, Department of Transportation Regulations, or other applicable statutes and regulations.

5. A sign permit shall lapse six (6) months after the issuance of the permit if construction or installation of the sign has not commenced within that time period. A new sign permit application must be submitted if the permit lapses.

C. *Special Sign Permits*

1. The following sign applications require a *Special Sign Permit*:
 - a) *Billboards*;
 - b) *Off-Premises Signs*;
 - c) *Moving Signs* in Large Developments that have *frontage* on Washington Street and are located within Sign District 1;
 - d) Water tower signs;
 - e) *Marquee Signs* that have an electronic component or message board within Large Developments that have *frontage* on Washington Street and are located within Sign District 1;
 - f) *Animated signs* within Large Developments that have *frontage* on Washington Street and are located within Sign District 1; and
 - g) Any sign that exceeds the dimensional requirements pertinent to such sign that are set forth in this bylaw, but that adheres to the Design Guidelines that are set forth in Section VII of this bylaw.
2. The following factors shall be applied in the consideration of a *Special Sign Permit*:
 - a) The Design Guidelines that are set forth in Section VII of this bylaw;
 - b) The impact the proposed sign will have on the Purpose of this bylaw, neighboring properties, and the character of the area in which the proposed sign is to be located;
 - c) The location and visibility of the sign from any *public way* or *public park*;
 - d) The proximity of the proposed sign to existing signs, including, but not limited to, the proximity of the proposed sign to similar signs or signs constructed of similar materials;
 - e) The proximity and visibility of the proposed sign to *residential uses*;
 - f) The nature and condition of other structures or land uses on the site on which the proposed sign is to be situated and on neighboring sites;
 - g) Any public safety issues or concerns that may be created or impacted by the proposed sign;
 - h) The illumination of the proposed sign, if any, as well as its size, *height*, materials, color(s), and other aesthetic considerations; and
 - i) Any public benefit that the Town of Foxborough may realize from the proposed sign.

D. *Integrated Sign Permits*

1. An applicant may elect to seek a single *Integrated Sign Permit* from the *Board of Appeals* for multiple signs that are within a Large Development, including those signs that otherwise require a *Special Sign Permit*. *Integrated Sign Permits* may be requested for review of new signs within a Large Development periodically, provided that no such request shall be permitted more than once in a twelve (12) month period.

2. New signs reviewed as part of an application for an *Integrated Sign Permit* shall be subject to consideration of the factors for a *Special Sign Permit* that are set forth in Section III.C.2 of this bylaw.

E. *Special Sign Permit and Integrated Sign Permit Process*

1. Applications for a *Special Sign Permit* or for an *Integrated Sign Permit* shall be filed by the applicant with the *Building Commissioner*. Ten (10) copies of the application and supporting materials shall be submitted by the applicant and forwarded to the members of the *Board of Appeals*, the Town of Foxborough Town Clerk (the "Town Clerk"), and the Town of Foxborough Planning Board (the "Planning Board").

2. A complete application shall include sign plans as described under Section III.B.1 as well as a *Special Sign Permit* application or an *Integrated Sign Permit* application, as the case may be; all required fees; and a certified list of all abutters within three hundred (300) feet of the property lines of the subject lot on which the sign is to be installed, or, in the case of an *Integrated Sign Permit* application, the lot or lots on which the proposed sign is or signs are to be installed.

3. The Board of Appeals may adopt and from time to time amend rules relative to the issuance of special sign permits and shall file a copy of said rules in the office of the Town Clerk. Such rules may without limitation define materials that must be submitted by an applicant to constitute a complete *Special Sign Permit* application, and prescribe the size, form, contents, style and number of copies of plans and specifications and the procedure for submission and approval of *Special Sign Permit* applications. Failure by the Board of Appeals to adopt rules relative to the issuance of *Special Sign Permits* shall not act to suspend or invalidate the effect of this bylaw.

4. The *Board of Appeals* shall commence a public hearing concerning the pertinent application within forty-five (45) days from the date on which a complete special sign permit application was filed with the *Building Commissioner*. Notice of the public hearing shall be provided in conformance with the standards established under General Laws Chapter 30A, Sections 18-25 (The Open Meeting Law). A decision to grant a *Special Sign Permit* or an *Integrated Sign Permit*, as the case may be, shall be by a majority vote of the *Board of Appeals* (which shall mean a vote to grant the permit by at least two (2) of the three (3) members of the *Board of Appeals*).

5. A decision of the *Board of Appeals* shall be in writing and shall include its reasons for the decision and any conditions that it may impose, and shall be filed in the office of the Town Clerk within forty-five (45) days after the close of the public hearing. Duplicate originals of the decision shall be sent by regular mail to the applicant, the Planning Board, and any other parties appearing at a hearing requesting a copy.

6. Any party aggrieved by a decision of the *Board of Appeals* may appeal the decision within sixty (60) days of its filing with the Town Clerk to a court of competent jurisdiction. A decision will take effect when the appeal period has lapsed and any appeals, if taken, have been dismissed or denied.

7. *Special Sign Permits* or *Integrated Sign Permits* granted by the *Board of Appeals* shall be exercised within one (1) year from the date a decision is filed with the Town Clerk. *Special Sign Permits* and *Integrated Sign Permits* that have not been exercised may be renewed by the *Board of Appeals* once in a two (2)-year time period before a new application is required.

8. Approved *Special Sign Permits* and *Integrated Sign Permits* that have been exercised shall be valid for the duration of the lifetime of the sign that is the subject of such *Special Sign Permit* or *Integrated Sign Permit*. A sign shall be considered a new sign when the structure of the sign is replaced or otherwise as determined by the *Building Commissioner*.

9. No application for a *Special Sign Permit* or for an *Integrated Sign Permit* that has been denied by the *Board of Appeals* may be acted upon within two (2) years of the date of such denial unless the *Board of Appeals* determines that there are specific and material changes in the conditions upon which such denial was based and describes such changes in detail in the record of its proceedings.

10. The *Board of Appeals* in granting a *Special Sign Permit* or an *Integrated Sign Permit* may impose such reasonable conditions, restrictions or limitations on the location, number, size, illumination, condition or materials of the sign for which a *Special Sign Permit* is requested or any of the signs for which an *Integrated Sign Permit* is requested as it deems appropriate in its discretion.

11. The *Board of Appeals* in granting a *Special Sign Permit* to erect a billboard or water tower signage, or in granting an *Integrated Sign Permit* that includes a request to erect a billboard or water tower signage, shall require a bond or other financial surety to pay the cost of the future removal of any such sign in the event of abandonment.

F. *Modifications*

Any sign for which the *Board of Appeals* has granted either a *Special Sign Permit* or an *Integrated Sign Permit*, or any pre-existing sign or nonconforming sign, may at the discretion of the *Building Commissioner* and with the written approval of the *Building Commissioner* be altered, refaced, relettered or relocated, provided that:

1. The *customary maintenance* of any sign shall not require the approval of the *Building Commissioner*.
2. Any alteration that includes, but is not limited to, significant alterations to illumination mechanisms, building materials and/or structure, illumination, and/or increase in sign area or dimension, shall be subject to review and approval by the *Board of Appeals* at the discretion of the *Building Commissioner*;
3. Any alteration or relocation that requires additional relief under this or any other bylaw shall be subject to review and approval by the *Board of Appeals*.

G. Appeals of the Building Commissioner's decision to Approve or Deny a Sign Permit Application:

1. An appeal to the *Board of Appeals* of the issuance or denial by the *Building Commissioner* of a permit to install signage may be filed by an applicant or other interested party with the Town Clerk.
2. The *Board of Appeals* may review the decision of the *Building Commissioner* only for conformance with this bylaw and any applicable statutes, regulations and other bylaws.
3. A public hearing shall be opened at the *Board of Appeals* within sixty-five (65) days from the date of filing of an appeal application with the Town Clerk. Notice of the hearing shall be provided in conformance with the standards established under the Massachusetts General Laws Chapter 30A, Sections 18-25 (The Open Meeting Law). A decision by the *Board of Appeals* to overturn the *Building Commissioner* shall be by unanimous vote (which shall mean vote by each of the three (3) members of the *Board of Appeals*).
4. A decision of the *Board of Appeals* shall be in writing and shall include its reasons for the decision and any conditions that it may impose, and shall be filed in the office of the Town Clerk within forty-five (45) days after the close of the public hearing. A duplicate original of the decision shall be sent by mail to the appellant and any other parties appearing at a hearing requesting a copy.
5. Any party aggrieved by the decision of the *Board of Appeals* may file an appeal within sixty (60) days to a court of competent jurisdiction.

H. Fees

Fees for sign permits, Special Sign Permits, Integrated Sign Permits, appeals, and any other fees shall be imposed in accordance with the schedule of permit fees that is issued by the Board of Selectmen.

I. Enforcement

The Building Commissioner shall enforce the provisions of this bylaw. Any sign may be inspected by the Building Commissioner for compliance with this bylaw and other applicable requirements of law.

1. The *Building Commissioner* may order the removal of any sign erected or maintained in violation of this bylaw by providing written notice to the *owner or operator* of the non-complying sign or *owner or operator* of the property on which any such sign is located. The offending sign shall be removed or brought into compliance with this bylaw within thirty (30) days of any such order.

J. *Penalties*

1. Any sign owner or operator and/or owner or operator of property on which a sign is located who violates or permits a violation of this bylaw or of any permit issued pursuant to this bylaw shall be punished by a fine of one hundred dollars (\$100.00) per violation. Each day a violation exists shall constitute a separate offense.
2. As an alternative to initiating criminal proceedings, this bylaw or any permit issued pursuant to this bylaw may be enforced pursuant to the noncriminal disposition procedure set forth in M.G.L. c.40 Section 21D in which case the penalty shall be one hundred dollars (\$100.00) per violation. Each day a violation exists shall constitute a separate offense. The enforcing person shall be the *Building Commissioner* or his agent.
3. This bylaw or any permit issued pursuant to this bylaw may also be enforced by injunction issued by any court of competent jurisdiction, including, without limitation, restraint by injunction of violations or by such other court decrees as justice and equity may require.

IV. Establishment of Sign Districts

The Town of Foxborough shall be divided into the following three (3) Sign Districts as identified on Map 15-1:

A. *Sign District 1*

Those lots that have *frontage* on Washington Street (US Route 1), or within **Large Developments** that have *frontage* on Washington Street (US Route 1). Lots within **Large Developments** that are also within the Residential-Agriculture (R-40) Zoning District, as also identified on the Town of Foxborough Zoning Map, shall be considered part of Sign District 2.

B. *Sign District 2*

Those lots not otherwise located in Sign District 1 or Sign District 3.

C. *Sign District 3*

Those lots located either partially or entirely within a one thousand (1,000) foot radius of the perimeter of the Foxborough Town Common.

V. General Regulations

A. Permitted Signs

1. Table of Permitted Signs:

Sign District	1			
	Commercial Uses	Large Developments ¹	2	3
Type of Sign				
Animated	N	SSP	N	N
Awning	Y	Y	Y	Y
Banner	Y	Y	Y	Y
Billboard	SSP	SSP	N	N
Combination	Y	Y	Y	Y
Electronic	Y	Y	Y	N
Directory or Identification	Y	Y	Y	Y
Freestanding	Y	Y	Y	Y
General Advertising	Y	Y	N	N
Marquee ²	N	Y	N	N
Message Board	Y	Y	Y	Y
Monument	Y	Y	Y	Y
Moving	N	SSP	N	N
Off-Premises	SSP	SSP	SSP	SSP
Portable	Y	Y	N	Y
Projecting	Y	Y	N	Y
Roof	N	Y	N	N
Wall	Y	Y	Y	Y
Water Tower	SSP	SSP	N	N

Y – Allowed w/ Sign Permit

N – Prohibited

SSP – Special Sign Permit

B. Prohibited Signs

Any sign not listed as a permitted or allowed sign in this bylaw, and any sign specifically designated in this section as prohibited is a prohibited sign. The following signs are specifically designated as prohibited signs:

1. *Flashing*, moving, rotating or revolving signs or lights, with the exception of barber poles and holiday decorations, are prohibited in all Sign Districts except when such signs are located in Large Developments that have *frontage* on Washington Street and are located within Sign District 1
2. Any sign or its illuminator that is *erected* or maintained that could be confused with, or obstruct the view of any official traffic sign, signal, or traffic marking due to the location, size, shape or color of the sign.
3. Any illuminated or reflective sign that by reason of its illumination mechanism causes excessive glare that creates a disturbance on any portion of a *public way* or lot upon which the sign or illuminator is not located.
4. Pennants, ribbons, streamers, spinners, balloons, strings of lights not associated with a specific holiday or religious event, and flags other than those identifying a nation, state, city, town, or institutional organization, unless otherwise exempted by this bylaw.
5. *Roof signs* other than those *roof signs* that are allowed in Large Developments that front on Washington Street in Sign District 1.

¹ That have *frontage* on Washington Street.

² *Marquee signs* with electronic components or message boards require an SSP

6. Political Signs exceeding one (1) sign per candidate per road *frontage* or with ten (10) feet of the street line.
7. *Illegal and abandoned signs.*
8. Any signs other than *governmental signs* located within the public Right of Way
9. Electronic *billboards*, the face of which is digitally or electronically projected.

C. *Exempt Signs*

The following types of signs do not require a permit under this bylaw but must be in conformance with all other requirements of this bylaw and any applicable statutes, regulations and other bylaws:

1. *Identification signs* not exceeding four (4) square feet in *area*.
2. Street identification, traffic and *governmental signs* and control devices required by any statute, regulation, bylaw or other legal requirement.
3. *Directional signs* on the interior of private property provided such signs do not exceed six (6) square feet if they are visible from a *public way*.
4. *Accessory signs* identifying such uses as parking, no parking, handicap access, etc., which do not exceed two (2) square feet in *area* for each such sign, except that such signs may contain advertising and general advertising messages provided the entire sign does not exceed seven (7) square feet in *area* per face in Large Developments that front on Washington Street in Sign District 1.
5. Non-illuminated and illuminated open/closed business signs not exceeding two (2) square feet in *area*.
6. *Construction signs* not exceeding thirty-two (32) square feet in *area* on any one lot. In the case of construction of a house on a lot not part of a subdivision or other larger development, a temporary *construction sign* may not be larger than six (6) square feet in *area*. All *construction signs* shall be removed within thirty (30) days of the completion of construction.
7. *Real estate signs* not exceeding six (6) square feet in *area*.
8. *Political signs* not exceeding one sign per candidate per *frontage* on a public or private way.
9. Any Massachusetts state inspection station identification sign, provided the sign is at a *height* that does not exceed ten (10) feet and is located on the building façade of the motor vehicle service station.
10. Holiday or special events decorations for and during the particular holiday or event to which the signs relate or symbolize, unless otherwise prohibited by this bylaw.
11. *Temporary signs.*
12. Security or warning signs.
13. Official *permanent public information signs*, memorial signs, building names, erection dates or similar information.
14. Historic site plaques and markers.
15. Signs and markers in cemeteries designating graves and memorials.

D. *Signs in all Districts:*

1. The *area* of a sign shall be measured from the outside perimeter of the sign, including the sign frame or structure, if any, and shall be exclusive of sign supports. For signs that have individual letters that are mounted directly upon a wall, *area* shall be measured using a rectangular (or other common geometric shape) perimeter around all lettering, wording, and accompanying designs and symbols. If the sign consists of more than one (1) section or module, all areas shall be counted toward the total sign *area*. If the sign contains two (2) faces that are parallel or within fourteen (14) degrees of parallel, only one (1) face shall be counted in computing the *area* of a sign. If the sign contains more than two (2) faces, then all faces shall be counted in computing the *area* of a sign.

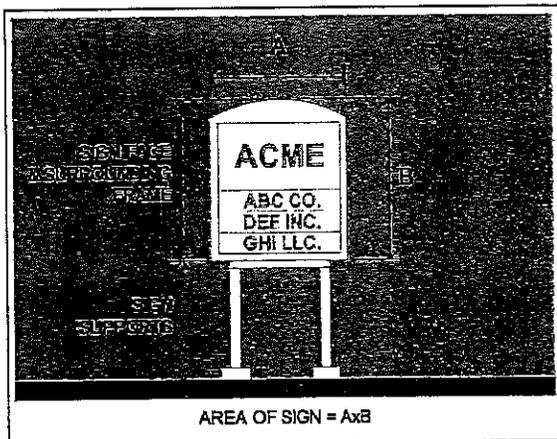


Figure 1 - Sign Area, Freestanding Signs

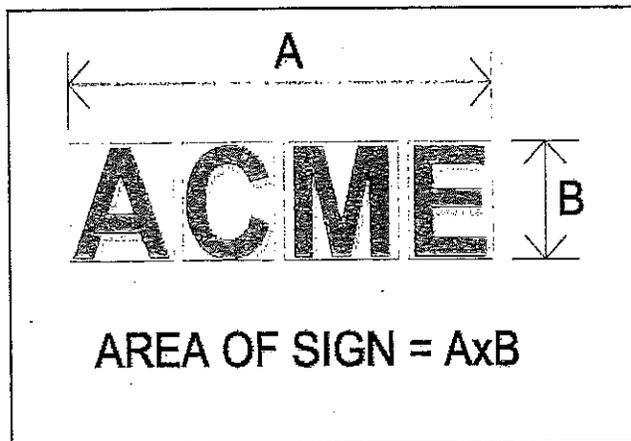


Figure 2 - Sign Area, Sign without Backfacing

2. All signs shall be maintained in good and safe condition. The *Building Commissioner* may order the immediate removal of any sign deemed to create an unsafe or hazardous condition. Any sign removed due to unsound or unsafe condition shall only be replaced with a sign conforming to this bylaw.
3. *Abandoned Signs* are prohibited, and removal of any such sign, its structure, and associated mechanical or electrical equipment shall be the responsibility of the *owner or operator* of the sign or the *owner or operator* of the premises.
4. All awnings shall have clearance in *height* of at least seven feet-six inches (7'6") from *ground level*. Awnings may not be internally illuminated, and no sign(s) may be suspended from an awning.

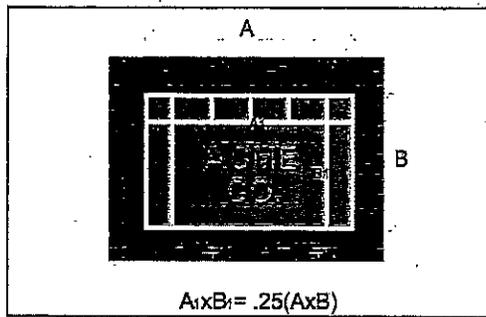


Figure 3 - Window Sign Area

5. *Window signs* are allowed for non-residential uses, provided that no more than twenty-five (25%) percent of the total square footage of a window is covered by any such sign at any one time. *Window signs* shall be considered *temporary signs* unless they are permanently painted or affixed to the window or illuminated.

6. *Temporary signs*, exclusive of *real estate*, *political* and *construction signs* shall be visible for a time not to exceed a total of thirty (30) days in a twelve (12) month time period unless otherwise regulated in this section.

7. *Illuminated signs* shall be lit by steady light through the use of internal illumination or top-down lighting to the greatest extent practicable. Lights for externally-illuminated signs may not be ground-mounted unless specifically authorized by the *Building Commissioner* or as authorized pursuant to a *Special Sign Permit* or an *Integrated Sign Permit*.

8. *Automatic message boards* and *billboards* shall not be *animated signs*. Instant message changes are permissible. Signs with automatic *changeable copy* shall not be *animated signs*, nor shall they display more than one message every ten (10) seconds.

9. *Electronic Signs* shall be subsidiary to a *primary sign* unless otherwise exempted.

10. *Farm Stands* may have one (1) *freestanding sign* and one (1) *wall sign* on each side of the structure facing a *public way*, provided that no such sign is a *general advertising sign* or otherwise is used for general advertising purposes.

11. One (1) *freestanding sign* or *monument sign* not exceeding twelve (12) square feet in *area* may be allowed at the entrance of a residential subdivision or multifamily housing complex. Such signs may be externally illuminated by spot lights, and shall be set back at least ten (10) feet from the *lot line*.

12. *Lots* on which an approved home occupation is located may have one (1) *freestanding sign* that is not larger than three (3) square feet in *area* or that exceeds six (6) feet in height. *Home occupation signs* shall be set back at least ten (10) feet from the *lot line* and may not be illuminated.

13. Any residential *identification sign* other than an approved *home occupation sign* shall be limited to three (3) square feet in *area* and six (6) feet in *height*.

14. *Institutional uses* are allowed one (1) *freestanding sign*, which may include automatic *changeable copy*, provided only public service information is displayed and the sign does not exceed fifteen (15) square feet in *area* and ten (10) feet in *height*. One (1) additional *wall sign* may be allowed, provided such sign does not exceed twenty (20%) percent of the *area* of the wall to which it is affixed or one hundred (100) square feet in *area*, whichever is less.

15. Gasoline stations and automobile service facilities shall be subject to the following sign provisions:

- a) In addition to signs allowed within each Sign District, gasoline stations and automobile service facilities may maintain two (2) product *identification signs* to be placed or mounted only on the wall(s) of the building in which such facility is located. Each such sign shall not exceed eight (8) square feet in *area*.

- b) One (1) *freestanding sign* bearing the gasoline station name and gasoline prices, not to exceed forty (40) square feet in *area* and twenty (20) feet in *height* is permitted. Signs setting forth gasoline prices may be electronic.
- c) The standard-type gasoline pump bearing the name(s) or type(s) of gasoline dispensed from such pump, the gasoline price(s), and safety precautions shall not be considered signs.
- d) No signage may be installed on any gasoline pump canopy in Sign District 3. Signs on gasoline pump canopies shall not be illuminated.

VI. Sign District Regulations and Dimensional Requirements

A. *The following regulations and dimensional requirements apply to all signs in Sign District 1:*

1. Table of Dimensional Requirements (except as set forth otherwise in this bylaw):

Type of Sign	Commercial Uses	Large Developments ³
Banner	Max. Area: 20 square feet Max. #: 1 per building entrance facing Route 1	Max. Area: 20 square feet Max. #: 1 every 50 linear feet if visible from Route 1
Billboard ⁴	Max. Area: 672 square feet Max. Height: 50 feet Min. Separation: See footnote 3	Max. Area: 672 square feet Max. Height: 50 feet Min. Separation: See footnote 3
Directory or Identification	Max. Area: 30 square feet Max. Height: 12 feet (if freestanding)	Max. Area: 200 square feet Max. Height: 40 feet
Freestanding in addition to the primary sign	Max. Area: 100 square feet Max. Height: 26 feet Max. #: 1 per vehicular ingress/egress Min. Setback: 10 feet	Max. Area: 400 square feet Max. Height: 60 feet Max. #: 2 per vehicular and/or pedestrian ingress/egress Min. Setback: 10 feet
Marquee	N/A	Max. Area: 1,950 square feet Max. Height: 60 feet Max #: 1
Message Board/ Combination Sign	Max Area: 40% of total area of the sign	Max Area: 40% of total area of the sign
Monument Sign	Max. Area: 100 square feet Max. Height: 8 feet Min. Setback: 10 feet	Max. Area: 200 square feet Max. Height: 12 feet Min. Setback: 10 feet
Off-Premises Sign	As determined by Board of Appeals	As determined by Board of Appeals
Portable	Max Area: 20 square feet Max #: 1 per building entrance	Max Area: 20 square feet Max #: 1 per building entrance
Roof	N/A	Max Height: 20 feet above the roof
Primary sign	Max. Area: 100 square feet Max. Height: 26 feet Max. #: 1 per vehicular ingress/egress Min. Setback: 10 feet	See marquee sign above
Projecting	Max. Area: 12 square feet Max #: 1 Per building entrance visible to Route 1.	Max. Area: 12 square feet Max #: 1 Per building entrance visible to Route 1.
Wall or Awning	Max Area: 20% of the area of a wall or 200 square feet, whichever is less Max #: 1 per building entrance visible to Route 1.	Max Area: 40% of the area of a wall
Water Tower Sign	As determined by Board of Appeals	As determined by Board of Appeals

³ That have *frontage* on Washington Street.

⁴ *Billboards* not exceeding six hundred seventy-two (672) square feet in *sign area* and a maximum height of fifty (50) feet are allowed, provided that no *billboard* is placed within a five hundred (500) foot radius of any other *billboard*. *Billboards* must be set back at least ten (10) feet from the *lot line*. *Billboards* set back at least one hundred (100) feet from the *lot line* may be twenty-five (25%) percent larger in area and fifteen (15%) percent taller than the dimensions established in Table 15-2. *Billboards* set back three hundred fifty (350) feet from the street line may be fifty (50%) percent larger in area and twenty-five (25%) percent taller than the dimensions established in Table 15-2. *Billboards* are permitted only in Sign District 1, and may not be installed on any *frontage* other than frontage that is on Washington Street.

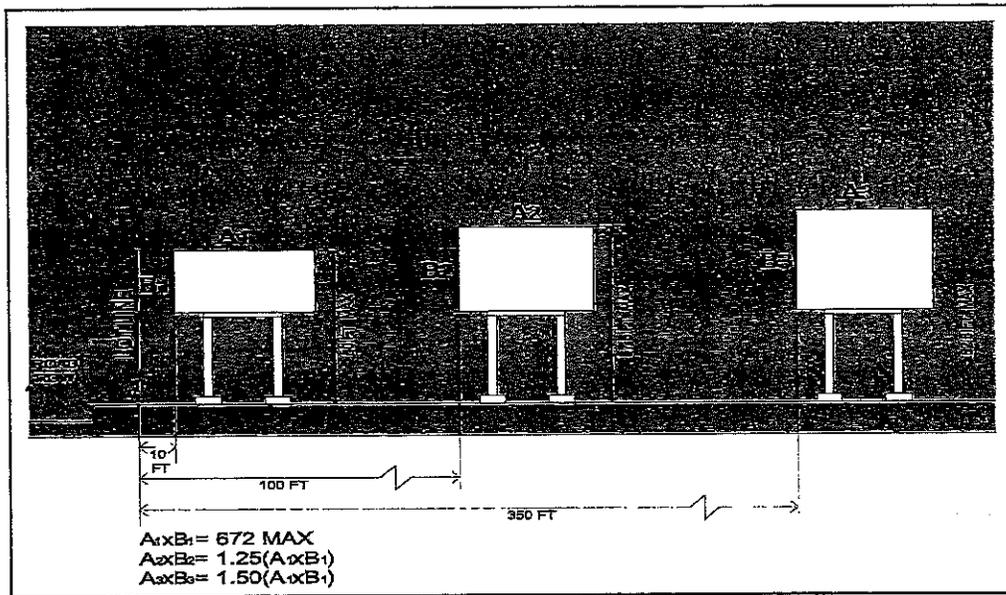


Figure 4 – Allowable Billboard Sizes (See footnote 4)

2. Additional Sign District Regulations:

- a) *Billboards* may be used as *general advertising signs*, but not as *advertising, identification, or public service information signs*.
- b) *General Advertising Signs* are only permitted on *billboards*.
- c) *Freestanding signs* may be *combination signs*, including *message boards* with automatic or manual *changeable copy*.
- d) *Temporary outdoor displays* are allowed, provided they are set back at least fifty (50) feet from the front *lot line* and are removed after forty-five (45) days.
- e) Any sign in the sign district may be an *illuminated sign*, provided the sign does not cast objectionable glare onto *residential uses*.

3. Signs in Large Developments that front on Washington Street are governed by and subject to the following Sign District Regulations:

a) *Lots* located within Large Developments may utilize *billboards* or any other signs for the purpose of *advertising, general advertising, identification, or public service information signs*.

b) One (1) *freestanding marquee sign* is allowed per Large Development. A portion of any such *marquee sign* may include an *electronic sign*, provided that the portion of such *marquee sign* that is electronic shall require a Special Sign Permit.

c) In addition to those *freestanding signs* located at ingress and egress points, additional *freestanding signs* are permitted at the interior of the site by *Special Sign Permit* or by *Integrated Sign Permit*, provided that, except as otherwise allowed in the bylaw, any such sign is installed at least one hundred (100) feet away from any other *freestanding sign* (including any *billboard*), and does not exceed forty (40) feet in *height* and two hundred (200) square feet in *sign area*.

d) In addition to the other *freestanding signs* allowed in Large Developments in accordance with this bylaw, additional *freestanding signs*, including multi-sided kiosk style signs, shall be allowed by *Special Sign Permit* or by *Integrated Sign Permit* without restriction as to the number of such signs on lots within Large Developments, provided that:

(1) No such additional signs shall be allowed within one hundred (100) feet of Washington Street;

(2) Any such additional sign that is located greater than one hundred (100) feet and less than three-hundred-fifty (350) feet from Washington Street shall not exceed twenty-six (26) feet in *height* and one hundred (100) square feet in *sign area* per side;

(3) Any such additional sign that is located not less than three hundred fifty (350) feet from Washington Street shall not exceed forty (40) feet in *height* and four hundred (400) square feet in *sign area* per side, and;

(4) Any such additional signs shall not be primarily for viewing by vehicular traffic on Washington Street. In addition to the foregoing signs, free-standing three-dimensional signs, including cylindrical signs, shall be allowed, provided that any such signs shall be located not less than three-hundred-fifty (350) feet from Washington Street.

e) *Wall Signs* are permitted on all buildings or permanent structures provided the buildings or structures are not less than seventy-five (75) feet from Washington Street and comply with the following requirements:

(1) Any *wall sign* attached to the *stadium* shall not be in the aggregate greater than forty (40%) percent of the total wall *area* of the *stadium* and any structures attached to the *stadium*. *Wall signs* identifying the stadium or building name may project twenty (20) feet above the roof of the *stadium*, training or retail buildings, provided that the *sign area* of any such *wall signs* shall be aggregated with all other *wall signs* and shall be subject to the maximum *sign area* as set forth in Table 15-2;

- (2) *Wall signs* attached to any non-*stadium* building shall not be greater than twenty (20%) percent of the wall *area*, unless the building is located at least three hundred (300) feet away from Washington Street, in which case the sign *area* may not be greater than thirty (30%) percent of the wall *area*.
- f) *Roof signs* shall be allowed on the *stadium*, any permanent structure attached to the *stadium*, and any other building or permanent structure that is located on the *lot(s)* on which the *stadium* is located or any *lot* that is accessory thereto. Such signs shall not be subject to the requirements of this bylaw, provided that:
- (1) Only those signs that identify the name of the *stadium* shall be allowed on the roof of the *stadium*, and any such *roof sign* shall not extend above the higher of the top of the light towers on the *stadium* and twenty (20) feet above the *stadium's* roof;
 - (2) Any *roof sign* on any permanent structure attached to the *stadium* shall not extend greater than twenty (20) feet above the roof of such structure, training facility or retail building;
 - (3) The sign *area* of *roof signs* on the *stadium* and on permanent structures attached to the *stadium*, when aggregated with the *wall signs* on the *stadium* and such attached structures, shall not exceed the applicable sign *area* limitations of Section VI.a.3.d above;
 - (4) Only horizontal *roof signs* that are visible primarily from above shall be allowed on the roof of any building or permanent structure (other than the *stadium* and structures attached thereto) located in the **Large Development** in which the *stadium* is located.
- g) *Roof signs* located in Large Developments that do not include the *stadium* are allowed, provided that any such *roof sign* shall not exceed one-hundred (100) square feet in *area* or extend more than twenty (20) feet above the roof.
- h) Privately-owned directional or traffic control signs shall be permitted whether they are traditional signs or feature automatic or manual *changeable copy*, including *freestanding signs*, *directional signs*, and/or streets signs identifying the names of private access ways, driveways, and roadways.
- i) *Projecting Signs* shall be no larger than twelve (12) square feet in area installed below twenty (20) feet in *height* or thirty-six (36) square feet in *area* if installed above twenty (20) feet in *height*.
- 4 There shall be no restriction or limitation on pennants, flags, banners and awnings in a Large Development that includes the *stadium lot*. Any other *lot* within a Large Development that fronts on Washington Street may display pennants, flags, banners, balloons, and awnings for a period of time not to exceed thirty (30) days during a calendar year.
- 5 Signs that are within the *stadium* are specifically exempt from the provisions of this bylaw.

B. The following regulations and dimensional requirements apply to all signs in Sign District 2:

1. Table of Dimensional Requirements (except as otherwise set forth in this bylaw):

Table 15-3: Sign District 2 Dimensional Requirements	
Type of Sign	Commercial Uses
Banner	Max Area: 20 square feet Max. #: 1 per building entrance
Directory or Identification	Max Area: 20 square feet Max Height: 12 feet (if freestanding)
Freestanding	Max Area: 20 square feet on lots with an area less than an acre. 75 square feet on lots containing at least three commercial tenants and an area equal to or greater than an acre. Max Height: 20 feet Max #: 1 per vehicular ingress/egress Min. Setback: 10 feet
Message Board/ Combination Sign	Max Area: 40% of area of the sign
Monument Sign	Max. Area: 15 square feet on lots with an area less than an acre. 40 square feet on lots containing at least three commercial tenants and an area equal to or greater than an acre. Max. Height: 6 feet Max #: 1 per vehicular ingress/egress Min. Setback: 10 feet
Off-Premises Sign	As determined by Board of Appeals
Wall or Awning	Max Area: 20% of the area of the wall, or 100 square feet, whichever is less Max #: 1 per building entrance

2. Additional Sign District Regulations:
 - a) *Freestanding signs* or *wall signs* including *message boards* with automatic or manual *changeable copy* may only display public service information.
 - b) For signs located on *lots* that are adjacent to *Residential* or *Institutional Uses*, all signs must be set back at least fifteen (15) feet from the side *lot lines* and forty (40) feet from the rear *lot line*.

C. The following regulations and dimensional requirements apply to all signs in Sign District 3:

1. Table of Dimensional Requirements (except as set forth otherwise in this bylaw):

Table 15-4: Sign District 3	
Type of Sign	Commercial Uses
Banner	Max. Area: 6 square feet Max Projection: 2 feet Max. #: 1 per building entrance
Directory or Identification	Max Area: 15 square feet Max Height: 10 feet (if freestanding)
Freestanding	Max. Area: 20 square feet Max. Height: 12 feet Max.#: 1 per lot Min. Setback: 10 feet
Message Board/ Combination Sign	Max Area: 20% of total area of the sign
Monument Sign	Max. Area: 20 square feet Max. Height: 5 feet Max #: 1 per lot Min. Setback: 10 feet
Off-Premises Sign	As determined by Board of Appeals
Portable	Max Area: 6 square feet Max Number: 1 per building entrance
Projecting	Max. Area: 12 square feet Max Projection: 3 feet Max #: 1 per building entrance
Wall or Awning	Max Area: 20% of the area of a wall or 200 square feet , whichever is less Max Number: 1 per building entrance

2. Additional Sign District Regulations:

- a) Where there is no *wall sign*, *awnings signs* may be installed on the awning face as well as the awning valance, provided the signage does not exceed ten (10%) percent of the *area* of the awning face or sloped portion of the awning up to, but not exceeding, a maximum of twenty-five (25) square feet in *area*. *Awning signs* installed in addition to *wall signs* may only have subsidiary messages on the awning valance, provided the signage does not exceed fifteen (15) square feet in *area*. Text on *awning signs* shall be limited to twelve (12) inches in *height* on the face, and eight (8) inches in *height* on the valance.
- b) There shall be no more than three (3) *banner signs* installed on any single *lot* at any given time.
- c) No sign shall be installed at a *height* greater than twenty (20) feet, exclusive of *window signage*.
- d) *Combination Signs* in Sign District 3 may not include *electronic signs* or *animated signs*.
- e) One (1) *public service information sign*, with manual *changeable copy* is allowed per *lot*. The Foxborough Town Common may have two (2) manual *changeable copy* signs.

VII. Design Guidelines

The following guidelines shall be considered in the design of all signs:

- A. Signs shall be consolidated and limited in number to the greatest extent possible to minimize visual clutter.
- B. Signs shall be constructed of high quality materials and utilize energy efficient illumination.
- C. Signs shall not obscure architectural features and shall be constructed of substantial materials that are compatible with the material of the surface to which they are affixed.
- D. The color(s) and illumination of signs shall be of appropriate intensity to the use and location of the site and to the site's immediate abutters.
- E. Signs and sign content shall be appropriately sized, scaled, located, and oriented to the use and structure to which they are appurtenant.
- F. In multi-tenanted buildings, individual tenant signs shall be coordinated in scale, size, and mounting location upon a wall to provide visual harmony and cohesion.

VIII. Pre-Existing and Nonconforming Signs

- A. Except otherwise as provided in this Section VIII., any *pre-existing sign* and any *nonconforming sign* may be continued and maintained following enactment of this bylaw and any amendment hereto.
- B. Any *pre-existing sign* and any *nonconforming sign* that the *Building Commissioner* determines to be enlarged or otherwise structurally altered shall be considered a new sign and shall be required to conform to the provisions of this bylaw, including, but not limited to, any requirement to obtain a permit or a *Special Sign Permit* for such sign, as the case may be. Notwithstanding the foregoing, no permit or *Special Sign Permit* shall be required for the *customary maintenance* of any such sign that does not involve the enlargement or structural alteration of such sign.
- C. Any *pre-existing sign* and any *nonconforming sign* that becomes damaged or destroyed through no act or omission of the *owner or operator* of such sign or the *owner or operator* of the *lot* on which such sign is located, may be repaired or replaced within one year of its being damaged or destroyed without requirement to obtain a permit or *Special Sign Permit*, provided that the appearance, location, dimensions and materials of the sign as repaired or replaced is substantially the same as that of such sign as it existed immediately-prior to its damage or destruction.

IX. Severability

The invalidity of any section or provision of this bylaw, or its application to any sign, shall not invalidate any other section, provision or application of this bylaw.

"And to authorize the Town Clerk to codify these by-law amendments in accordance with the Town's current codification system."

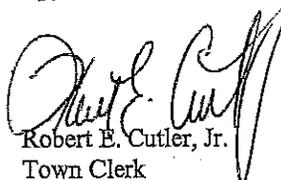
MOTION TO AMEND by deleting from Article 4 Section II Definitions "words used in the masculine gender include the female and the neuter."

<u>MOTION TO AMEND</u>			
<u>NOT ADOPTED</u>	5 Affirmative	115 Negative	9:55 PM

<u>MAIN MOTION</u>			
<u>ADOPTED:</u>	123 Affirmative	2 Negative	9:56 PM

Approved by the A.G. February 23, 2015. REC

A True Copy
Attest:



Robert E. Cutler, Jr.
Town Clerk

